

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SEP 23 2009
U.S. DISTRICT COURT
SHERMAN DIVISION

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ROBERT PACKARD, D.M.D., M.S., et al., §
§
vs. §
§
OCA, INC., et al. §

Case No. 4:05CV273

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 25, 2009, the amended report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs' Motion for Summary Judgment (Dkt. 90) be granted.

The court, having made a *de novo* review of the objections raised by Defendants, as well as Plaintiff's response, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Defendants are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. Plaintiffs' Motion for Summary Judgment (Dkt. 90) is granted, and Defendants shall take nothing by their counterclaims against Plaintiffs.

IT IS SO ORDERED.

SIGNED this 25th day of Sept, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE